

REMARKS

Claims 2-11 are pending in the instant application.

Claim 11 has been amended herewith. Support for this amendment may be found in the specification at least on pages 7-8. Applicants submit no new matter has been added by way of this amendment.

Claim 10 has been cancelled herewith without prejudice or disclaimer.

Claims 11 and 2-10 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants submit the rejection has been rendered moot in light of the instant amendment wherein “propylene carbonate” has been included in the claim language. Applicants respectfully refer the Examiner to page 7 of the Specification, lines 20 and 21, wherein the Specification discloses the propylene carbonate feature. Based on the fact that the propylene carbonate feature of independent Claim 11 is clearly supported by the Specification as discussed, Applicants submit that independent Claim 11 in addition to Claims 2-10 which depend from independent Claim 11, either directly or indirectly, are enabled by the Specification. Applicants respectfully request withdrawal of the rejection.

Claims 11 and 2-10 stand objected to due to a misspelling of the word “carbon.” This spelling error has been corrected by way of the instant amendment to Claim 11. Applicants request withdrawal of the objection.

Claims 11, 2-5, and 7-9 stand rejected under 25 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Akashi (European Patent No. 9724304A1). Applicants respectfully traverse the rejection and request withdrawal of same.

The Examiner asserts that Akashi discloses each and every feature of independent Claim 11 in addition to dependent Claims 2-5 and 7-9 and makes particular reference to the fact that any difference imparted by the product-by-process limitations would have been obvious to one having ordinary skill in the art. Applicants respectfully request reconsideration of this rejection in view of the amendments to independent Claim 11. As now amended, independent Claim 11 requires a negative electrode that contains a graphitized carbonaceous material comprising a plurality of meso-carbon micro-beads where in the graphitized carbonaceous material includes a specific surface area that ranges from 0.1 to less than 3.2 m²/g.

In contrast, Akashi fails to teach or suggest the meso-carbon micro-beads and specific surface area features of the graphitized carbonaceous material as required by newly amended independent Claim 11 as even recognized by the Examiner on page 2, § 6, paragraph 2 of the final Office Action.

By failing to teach or suggest each and every feature of independent Claim 11, Akashi fails to even appreciate the benefits of such features. For example, if the specific surface area is less than 0.1 m²/g, there is only insufficient contact between the particles of the carbon material and the gel electrolyte or an enlarged ion conduction path between particles of the carbonaceous material to increase impedance as fully recognized by Applicants on pages 9 and 10 of the specification.

Based on the fact that Akashi fails to teach or suggest the features of newly amended independent Claim 11, such as, the meso-carbon micro-beads and specific surface area features, Applicants submit that Akashi does not anticipate nor render obvious newly amended independent Claim 11 in addition to Claims 2-5 and 7-9 which depend from Claim 11. Applicants respectfully request that the rejections of Claims 11, 2-5 and 7-9 be withdrawn.

Claims 11, and 8-9 stand rejected under 35 U.S.C. § 102(a) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Nakane *et al.* (European Patent No. 0845824A1). Applicants respectfully traverse the rejection and request withdrawal of same.

The Examiner asserts that Nakane discloses each and every feature of independent Claim 11 in addition to Claims 8-9 which depend from Claim 11. In addition, the Examiner also asserts that any difference imparted by the product-by-process features would have been obvious to one having ordinary skill in the art.

As previously discussed, independent Claim 11 has been newly amended to now require a negative electrode that contains a graphitized carbonaceous material comprising a plurality of meso-carbon micro-beads wherein the graphitized carbonaceous material has a specific surface area that ranges from $0.1 \text{ m}^2/\text{g}$ to less than $3.2 \text{ m}^2/\text{g}$. In contrast, Nakane, like Akashi, fails to teach, suggest or even appreciate each and every feature of newly amended independent Claim 11, such as, the meso-carbon micro-beads and specific surface area features. Therefore, Applicants submit that Naskane or Akashi fail to anticipate and render

obvious independent Claim 11, and Claims 8-9. Applicants respectfully request that the rejection of Claims 11 and 8-9 be withdrawn.

Claims 11, 2-5 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Akashi in view of Ozaki *et al.* (United States Patent No. 5,522,127). Applicants respectfully traverse the rejection and request withdrawal of same.

Although the Examiner recognizes the deficiencies of Akashi as previously discussed, Applicants maintain those deficiencies may not be supplemented with Ozaki.

As previously discussed, independent Claim 11 has been newly amended to include additional features, such as, the meso-carbon micro-beads and specific surface area features. In contrast, Akashi fails to teach or suggest each and every feature of newly amended independent Claim 11 as discussed above. The Examiner cannot then attempt to supplement the deficiencies of Akashi with Ozaki. Ozaki is also deficient. Ozaki teaches that the specific surface area ranges from 3.2 to 3.4 m²/g and not from 0.1 to less than 3.2 m²/g as required by newly amended independent Claim 11. Therefore, Applicants submit that Ozaki *et al.* cannot be used to supplement the deficiencies of Akashi.

Based on the fact that the cited references fail to teach, suggest or even appreciate each and every feature of newly amended independent Claim 11, Applicants submit Akashi and Ozaki, alone or in combination, do not render obvious independent Claim 11. Applicants respectfully request that the rejection of Claims 11, 2-5 and 7-10 be withdrawn.

Claims 11, 5-6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakane *et al.* in view of Ozaki *et al.* Applicants respectfully traverse the rejection and request withdrawal of same.

Although the Examiner recognizes that Nakane is deficient as previously discussed, it then attempts to supplement the deficiencies of Nakane with the teachings of Ozaki.

As previously discussed, Claim 11 has been newly amended, and therefore Applicants submit that Nakane fails to teach or suggest Applicants' invention as provided in newly amended independent Claim 11. The Examiner cannot then attempt to supplement the deficiencies of Nakane with the teachings of Ozaki.

Nakane, like Akashi, is deficient as previously discussed. Ozaki cannot then be used to supplement the deficiencies of Nakane for the same reasons that Ozaki cannot be used to supplement the deficiencies of Akashi as discussed above.

Based on the fact that Nakane and Ozaki fail to teach or suggest each and every feature of Applicants' invention as provided in newly amended independent Claim 11, such as, the meso-carbon micro-beads and specific surface area features, Applicants submit that the cited references, alone or in combination, do not render obvious Applicants' invention. Applicants respectfully request that the rejection be withdrawn.

Claims 2-4 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakane *et al.* in view of Ozaki *et al.* and further in view of Chua *et al.* (United States Patent No. 5,240,790) or Abraham *et al.* (United States Patent No. 5,219,679). Applicants respectfully traverse the rejection and request withdrawal of same.

Although the Examiner recognizes the deficiencies of Nakane as discussed above, the Examiner then attempts to supplement these deficiencies with Ozaki, Chua, and Abraham.

As previously discussed, independent Claim 11 has been newly amended. Claims 2-4 and 7 each depend from newly independent Claim 11. Therefore, Applicants submit that Nakane and Ozaki, alone or in combination fail to teach or suggest Applicants' invention as now claimed.

The Patent Office cannot attempt to supplement the deficiencies of Nakane and Ozaki with either Chua or Abraham. Like the Nakane and Ozaki references, Chua and Abraham references fail to teach or suggest Applicants' invention as now claimed, such as the meso-carbon micro-beads and specific surface area features as previously discussed. Therefore, Applicants submit that Nakane, Ozaki, Chua, and Abraham in any hypothetical combination, do not render obvious Applicants' invention. Applicants respectfully request that the rejection of Claims 2-4 and 7 be withdrawn.

CONCLUSION

Applicants request prompt and favorable consideration of pending Claims 2-11.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL

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By: 

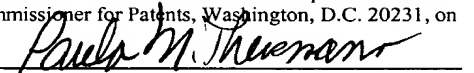
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